THE HON'BLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION NO.5207 OF 1999

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Dated: 20.08.2005

Between:

K. Surender Pillai, S/o. K. Gopal Pillai,

Work Inspector (Housing), R/o H.No.19-75, Thanappa Setty Street,

Mitoor, Chittoor District.

..... PETITIONER

AND

1 The Managing Director, A.P. State Housing Corp, Ltd.,

Urdu Hall Lane, Himayath Nagar, Hyderabad-29 and another.

....RESPONDENTS

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ORDER:

The case of the petitioner is that he was appointed as Work Inspector in the respondent-Organisation with effect from 04.09.1986. While so, he fell sick from 02.03.1997 to 14.04.1997 and when he reported for duty on 15.04.1997 along with medical certificate, he was not permitted to join duty. Probably, this amounts to an oral termination of the services of the petitioner.

The questions as to whether there was any employee and employer relationship

between the petitioner and respondent-Organisation, whether the petitioner had worked continuously for 240 days preceding the date of termination of his service, and whether the medical certificate is genuine or not, can be gone into only when the matter is dealt with by a fact finding body. In this writ petition, neither it is permissible to adduce any evidence both oral and documentary nor the facts can be appraised on their own. Under those circumstances, learned counsel for the petitioner felt that he may be permitted to withdraw the writ petition enabling the petitioner to file an appropriate claim petition before an appropriate Forum as per law.

Accordingly, the writ petition is dismissed as withdrawn granting leave and liberty to the petitioner to approach an appropriate Forum for redressal of his grievances. No costs.

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(C.V. RAMULU, J)

Date: 20.08.2005

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